

# THE LEISURE HOUR.

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"BEHOLD IN THESE WHAT LEISURE HOURS DEMAND,—AMUSEMENT AND TRUE KNOWLEDGE HAND IN HAND."—*Couper*.



THE THREE MISS PARSONS.

## THE AWDRIES AND THEIR FRIENDS.

CHAPTER V.—AGITATION.

LOOKING on Miss Awdrie as an incumbrance and interruption to his father and mother, how patiently and kindly soever they might endure it for his sake, and a responsibility to himself if he accepted the trusteeship imposed on him by Edward Fairfax, Martin was by no means disposed to commence an acquaintanceship with her. His father's estimate of her was the more readily received by him, as the thought arose that no girl of a superior stamp of mind could have given her affections

to so superficial a character as he was to whom hers were pledged.

"Yet, I suppose," he said, "he is the sort of man that is successful in these matters; handsome, always agreeable when he likes, with sufficient knowledge and sufficient ability to make it appear much more than it really is; rich, too, and plenty of self-confidence: but I should be sorry to commit a sister's happiness to his keeping. I much suspect that the fair show in him is like the light soil that bears flowers upon a rock's surface, and all beneath is hard—hard."

"Martin," said Mrs. Hedwig tapping at his door

shortly before the breakfast hour in the morning, "I couldn't speak to you last night, but I found that head loose in the portmanteau; a little white of egg and some Gloucester cheese will stick it nicely, or just a smear of white paint does sometimes; diamond cement is the best, but that's expensive, and I never use it excepting" (here she looked in her son's face, to see if he set any particular store by his broken goods) "for valuable things."

"I think the cheese will suit my shepherdess, mother," said Martin; "it was the farewell gift of an honest heart, but no otherwise valuable, being but a frail piece of crockery."

"But, love," said his mother, "I consider farewell gifts are special treasures, especially if they come from an honest heart."

Martin assented. "I suppose I shall be introduced now to our new housemate; my father says you like her."

"I am sorry for her, poor girl; it's a sad thing to be left an orphan, without natural protectors."

Martin gazed upon his mother, and thought it was.

"And she was greatly attached to Miss Fairfax, and feels her death very much yet; and she is a little given to be melancholy, which makes it more difficult for her to get over it; and then, we are strange to her, you know. I'm very glad you've come home, for her sake: it will make the house more lively. I've done my best to amuse her; but of course the young are best pleased with the young."

Martin and his mother found Miss Awdrie in the breakfast-room; the Professor, since this addition to their family had furnished his wife with a morning companion, preferred now to take his breakfast in his study.

There was a conscious look about Miss Awdrie when Mrs. Hedwig introduced her, which Martin readily interpreted; but her embarrassment soon passed away, and kind Mrs. Hedwig was quite pleased to see smiles on the face of her guest.

"I am sure you will be a great favourite with her," she said, when she was alone with Martin; "she was very anxious to see you, I know; she told me she had heard Mr. Edward Fairfax speak of you often, but I think she was a little afraid of you. I don't know why, unless she thought you were like your father, too clever to care for the company of simple, ignorant women."

"Pretty—handsome," thought Martin, "is she? then I suppose I don't know what beauty is. Edward was right; she is very much like the shepherdess, with the exception of green hair."

And so Martin continued to think for many days, and even many weeks—that is, when he thought at all about it; during which time he had seldom heard Jessica say anything beyond a few words of reply to a question. He had almost forgotten his quondam friend's request that he would be a Cerberus, so little did Miss Awdrie seem to want watching, and so few were there to watch against visitors at the Professor's being equally rare and innocent. Indeed, his leisure hours were so engrossed by the Professor that he had but little time to spend in the society of his mother and her companion.

"Martin," said Mrs. Hedwig one morning, getting him into the garden alone, on pretext of showing him a new flower, "I wish I knew exactly what to do. I don't like to ask your father: he might act rashly, and write at once to Mr. Fairfax, which would be unkind; but, do you know, I am not easy about Jessica."

"No, mother? why not?"

"She receives so many letters, dear."

"So do all young ladies, mother, don't they, since the penny post?"

"Yes, love, very likely: many more than I did when I was a girl; but generally, I dare say, they are letters with very little in them. I think, however, there's more in Miss Awdrie's than ought to be. She shuts herself up in her room, and writes and writes, and I think she cries: she's always more low-spirited after she's had one."

"She is in love, mother," said Martin.

"I was afraid so," said Mrs. Hedwig; "but why didn't Mr. Fairfax tell us so? She is getting as thin as thin."

"Oh, she will recover; you must remember the time, mother, when you were in love, and you got over it, you see."

"Yes, dear, of course I was attached to your father, but I never remember his writing any letter that made me cry. Indeed I never cried at all till the day I was married, and then I couldn't help it; and I was so vexed, for I quite spoilt my orange-flowers, besides making your father very cross."

"But how do you know she writes so many letters?"

"Know it? Why, there's that blotting-book that I filled with new white blotting-paper, love, before she came; it's criss-crossed up and down in all the leaves, as bad as a newspaper, and I've never used it once; for I've never written except in my own red book, where I always keep a little bit of the pink, which I like the best, only I thought the white would look nicer."

"Well, certainly that has an ugly appearance," said Martin, laughing.

"Oh, very ugly," said Mrs. Hedwig, "and I shall certainly put some fresh; but it isn't that that I mind about; what troubles me is to see the girl fretting."

"I don't know why she should fret," said Martin, "even if she is in love. I conclude it's a mutual affair, as there's a correspondence; wouldn't it be better if you spoke to her?"

"I think I must," said Mrs. Hedwig. "Oh, dear! who is coming down the path?"

Martin looked up and replied, "Only the three Miss Parsons; and so, my mother, I wish you a very good morning for the present." Whereupon, lifting his hat with respectful gravity to them as he passed, he entered the house and sought his own room, in order that he might quietly think over the matter which troubled his mother.

But quiet thinking would not solve the mystery; and he came to the determination at last that it must be one of the common phenomena of love—of the mysteries of which he was happily ignorant—for young ladies to cry periodically, whether that period related to the receiving of letters or any other circumstance.

While he was coming to this decision, his mother, seated in the arbour, was endeavouring to entertain her companions; but Mrs. Hedwig was of far too transparent a character to be able to think of one thing and talk of another without showing it; the consequence was that the keen eye of a Parsons was not necessary to read in her face that company troubled her, and she would fain have been alone.

But the Miss Parsons were, in a measure, in the same case; for other things were in their minds than those they began to talk about. The sufferings of annuals from the east wind were so little on their hearts while they lamented them, that, if all annuals, except those which grew in their own especial garden, had perished, they could have borne it with the bravest philosophy. Neither were they sincere in lamenting Mrs. North's baby's

teething-fits; neither were they so happy as they pretended to be about the little Miss Robinson's going to school, and the consequent deliverance of the Professor from the pianoforte pest. Nevertheless, these subjects were started, and kept up with great warmth, until the one especial topic on which their hearts were set was adroitly introduced by Miss Jane.

"It's a very good thing for the Professor that your young friend doesn't play; we were afraid she would, for Jemima thought she saw a pianoforte coming in the day before she came; but sister" (Miss Parsons, like royalty, was nameless) "said she was pretty sure it was a wardrobe."

"Our young friend does *not* play," said Mrs. Hedwig, leaving the question of piano or wardrobe unsettled.

"Then I dare say she's of a serious turn," said Miss Jemima; "though I've known some serious young ladies very fond of music."

"Sacred music," said Miss Parsons, impressively.

"Of course, sister, I never meant any other," replied Jemima, who immediately retired into silence; for she was of a sensitive turn, and did not approve of being snubbed.

"Is she fond of flowers?" asked Miss Jane, hastening to fill up the breach, as she saw the approach to movement about Mrs. Hedwig.

"Who?" asked that lady, rather absently; for truly her mind was far away from the arbour and her visitors.

"Miss Awdrie. We hope you will introduce us to her," said Miss Jane; "we shall be very happy to show her any little attention in our power."

"That we shall," responded Miss Parsons, while Jemima, who had not yet recovered, faintly smiled an echo.

"We should have called before," said Miss Jane; "but, as she was in such deep mourning, we thought we would wait a little while. Sister said she felt so much for her: she had quite the look of an orphan; and we can feel for that sad, destitute condition." Whereupon, although the three Miss Parsons had been orphans a considerable number of years, and were of that age when a fostering wing is by no means necessary, they all put on a look of bereavement, as if they were suddenly struck with a sorrowing sense of their unprotected situation.

"It is a painful thing to lose any that we love," said Mrs. Hedwig, thinking more of the fact of their having discovered Jessica's name than of anything they said.

There was a simultaneous head-shaking in reply; but Miss Jane, who seemed to be the keenest in the pursuit, answered almost before her head was steady, "But it is very wrong to give way to gloom on these occasions, and a little lively society might be useful in the case of poor Miss Awdrie; so, if you think she would bear it, and you will, as we said, introduce us—we came on purpose—*partly*." The lastword "*partly*" was an after-thought happily put in, as the purpose of the call had been differently stated by Jemima, in expressing her delight, at first coming, in finding Mrs. Hedwig in the garden, since they had come with a *special* desire to see how her annuals had flourished.

"At present," said Mrs. Hedwig, measuring her words, "Miss Awdrie is writing a letter, and I don't like to disturb her; but I will ask her to accompany me when I return your kind call—very much obliged to you for your attention to her."

What more was to be done? No granite rock was more impenetrable than that soft fair face, with its quiet blue eyes and silver gray braids. Hadn't they determined on finding out if this mysterious stranger was Martin's affianced bride? hadn't they resolved to find out how

long she would stay, and on what terms she was there? Yes, and many other points they had fixed to be settled on; but on all and every of them they departed as they came.

"She is a boarder," said Miss Parsons, as they crossed the street: "they couldn't afford to buy new furniture for a visitor."

"Unless it's some heiress that Martin has inveigled," said Miss Jane, "and then it would pay them well."

"He inveigle!" exclaimed Miss Parsons; "he is as stupid as his mother, and as ugly as his father. I should like to see him inveigling any one!"

"He has rather a pensive, interesting look, I think," said Jemima, who had not quite forgiven her "put down," and so wiped off the score with this contradiction.

But "sister's" latch-key clicking at the moment, she did not hear it; so Martin's claim to pensiveness and an interesting look remained undisputed.

"Eliza," said Mrs. Hedwig, when she had seen them fairly through the house and out of the front door, "how came you to bring the ladies into the garden?"

"Dear ma'am!" answered the injured Eliza, "there's never any stopping them from going where they like. I told them I would fetch you if they'd please wait a bit; but they came after me every step, till I was half way down the walk, and then they sent me back."

"They haven't got much by coming," thought Mrs. Hedwig, who, though too simple-minded herself to be suspicious of others, could not help penetrating their design; and, as much as her very *un-malicious* spirit would let her, she rejoiced in their discomfiture.

#### CHAPTER VI.—A STRANGE VISITOR.

EVERY one has a weak point. Dr. Johnson's was tea, of which he would drink a fabulous number of cups. Eliza, Mrs. Hedwig's maid-of-all-work, had hers. It was not tea: it was the doorstep. Early in the morning, as surely as the morning came, was she to be seen renewing its snowy whiteness, and often in the day would she remove a blemish with fond solicitude, and stand back, with her head on one side, to admire its purity, with a sort of motherly fondness. She had no patience with visitors who left the marks of dirt-laden shoes on it when the scraper stood so handy by; and, although she had no leaning towards the Miss Parsons, they had, in her estimation, this redeeming point about them—they wore sensible clogs, which they always took off in dirty weather before standing on the white step to knock at the door.

Her mistress was, in her eyes, the very perfection of human nature. Her foot-print was never seen on it: she knew too well what work was to make it; she was too fond of the respectable look of a clean home to spoil her own by sullying so important an item of it. As to the Professor, he was the master, and masters have a right to do what they like, and may take great liberties with impunity. If he had emptied an inkstand on it, she would have sighed as she wrung her flannel over it; but not a murmur would have escaped her.

As to Martin, wasn't he his mother's son? He might have carried away the step bodily; but he never tried her forbearance on this point, or she thought he never did. The first mark she found in the morning was always too long or too short for him.

It had rained all day—Eliza said "cats and dogs." The poor Miss Parsons had been confined to their window, for the satisfaction of their inquiring minds, and, as it was not weather for street-walking generally, they had had but a dull time of it. Miss Parsons looked cross, Jemima melancholy, and Jane something between

both, when, after long waiting and watching, she cried out, "Sister, who can that be? Quite a stranger; luggage behind, look!" And the three faces pressed close together against the glass.

"He has stopped at the Professor's!" exclaimed all, in a breath.

"Come to take away Miss Awdrie, depend upon it," said Miss Parsons.

"Maybe they *are* taking boarders, and he is a new one," said Jane.

If he would but have turned round and shown his face! but, with an unkind indifference to their gratification, he looked steadily first at the knocker and then at Eliza, until he was fairly in the passage and lost to them in its gloom.

His going in so quickly would have argued his being an intimate, if it had not been that no man in his senses would, in such pouring rain, stand in the wet when he could get into the dry. He left Eliza to pay the porter and take in the luggage. That looked as if he were very impatient to see the family; but might he not be waiting at the farther end, to see that no more was paid than was due, and that all came in safe?

The door shut, the porter went down the street looking at his open hand. He had certainly received either more or less than usual, he seemed so interested; but all nature, animate and inanimate, was in conspiracy against them—he never once turned his face that way, for them to see whether he was pleased or angry.

They were retiring in despondency from the window when once more the door opened. They returned with alacrity. Alas! it was Eliza with her flannel to take the porter's footmarks off the doorstep. That done, the door closed on Eliza, the flannel, and their hopes for that day.

"You will please to walk this way, sir," said Eliza to the stranger, as she ushered him into the Professor's study.

The study was not a large room, and the book-shelves that jutted out from the walls made it smaller; neither was it a light room, for it had but one window, and all within it was of a sombre hue, even to the Professor himself.

The stranger was, in appearance, a striking contrast to the occupant of this "Loom of Minerva," as its owner styled it. Tall and erect, though attenuated, his figure and countenance were at once prepossessing and dignified.

His white hair fell in soft waving locks upon his sable dress, and a colour that came and went upon his thin cheek was of that bright hue which painters love to give to their ideal beauties.

He stood before the small table while Eliza announced him—"The gentleman, sir; he's come, sir."

Nothing could be plainer than that he had come; but a momentary embarrassment seemed to have seized all parties.

The Professor started from his seat, stood as upright as he could, half extended his hand, and half stammered something—he knew not what—while the stranger, looking in vain for a vacant space on which to rest his hat, which was deeply banded with crape, gave it to Eliza, who felt troubled as she noticed that the three chairs which the room contained, besides her master's, were all occupied with books and papers, and that a clearance must be made before the guest could be seated.

The door once shut, embarrassment was at an end.

"You have forgotten me, Martin," the stranger said; "when men part in youth and meet in age some change may be expected."

"Not forgotten you, not forgotten you," said the Professor, now warmly grasping his hand. "Take my seat."

Having compelled him to do this, he soon transferred the literary load off one chair to another, and seated himself opposite to him.

"Have you seen my wife," he asked, "or have I received your first greeting?"

"I have seen no one but your servant and yourself," was the answer.

"Let your mistress know," said the Professor, when Eliza answered the bell, which he immediately rung, "that Mr. Fairfax is here. Your mistress, remember—not any one else."

Eliza went to obey the order. She found her mistress and Miss Awdrie at work in the best parlour.

Now Mrs. Hedwig had heard the knock at the door; she had even caught a glimpse of Mr. Fairfax's hat as he had gone a step or two below the house till he saw the number clearly; therefore she did not need Eliza's mysterious face to tell her who was in the study.

"You want me, Eliza? Yes, I see," she said, immediately rising and leaving the room with her, to receive the assurance of her surmises.

"The Professor wants me in the study, love," she said, returning to Jessica. "Would you kindly trace out a flower or two for me? I shall soon be back again."

Although a stranger to him until that day, and always reserved with strangers, the introduction had scarcely passed before Mrs. Hedwig felt a drawing towards Mr. Fairfax, which he appeared to reciprocate. He was so kind and gentle, so unpretending, yet so refined, she almost forgot her proper business in the pleasure of looking at him and listening to him; but it was only *almost*. There was an open book before her husband, and she verily believed that he had already begun to persecute the poor man with her old enemy the "Ancient Tragedy;" so with strong feeling, she said—

"The dinner is all ready, love, in the little parlour. I'm sure Mr. Fairfax must want some refreshment; and won't you show him to his room? Martin is not come home yet."

Reluctantly the Professor complied; but, though she thought it meet and right that he should do this office for his guest, as she was by no means sure he would not put him into the wrong room, she took care to follow close behind.

"He will find everything ready," she said to the Professor, as they descended together; "and now I will go and see that the fish goes in hot, and the butter is nicely melted, if you will watch for him coming down and take him into the little parlour."

The bread-crumbs and beaten egg had been ready, wherewith to fry the sole, by four o'clock—the hour when Mr. Fairfax was expected—and the said sole was hissing and frizzling in the pan when Mrs. Hedwig entered the kitchen.

"Mind your pan, Eliza," she said, as she carefully stirred the butter; "a *light* brown it should be, you know; we so seldom have fish that we need to think over cooking it when it does happen to come. Eliza, I expect your young master in every minute; when he comes, ask him to go into the best parlour to Miss Awdrie, till I go there myself, and you can tell him the gentleman is come; tell him, you understand, Eliza."

Of course Eliza understood; and, notwithstanding the defacements the door-step had undergone that day, in consequence of the weather, her face wore a look of suppressed exultation: she had excelled in frying the sole, and she was a party to a mystery. To the detriment

of her second best cap, she was up the area steps continually, looking up and down the street to see if Martin was coming, that she might lose no time in sending him to his post.

"Look," cried Miss Jemima; "it's somebody that's come to see Martin, depend on it. There's Eliza, she's been three times up to the area gate already, and now she's there again; and do you see how early she is dressed? She is watching for Martin; and she wouldn't stand in this rain in *that* cap for a trifle, you may be sure."

While Jemima and her sisters were wondering, and Eliza was watching, Mr. Fairfax was doing justice to Mrs. Hedwig's well-cooked dinner, and relating to her and the Professor the circumstances that occasioned his visit.

"Strange vicissitudes we see in life," said the Professor, when the facts had been briefly stated; "and *she* is not aware of it?"

"I waited till I could come to break it to her," said Mr. Fairfax.

"How is it to be done?" asked the Professor.

"We had better consider that, love, when Mr. Fairfax has finished his dinner; there is a cutlet and a tart to come."

Mr. Fairfax said he had been amply feasted; and the Professor, who thought all time occupied in eating, except by himself, little better than wasted, was inclined to take him at his word. But Mrs. Hedwig was as steady to her course as the sun: a dinner of a correct kind she had provided, and it should be produced. If her guest chose to decline it after having seen it, the responsibility lay with him, and her hands were clean; but, from the lively attack he had made on the sole, she did not believe he would decline it. So the cutlet came, and the tart after it, and both received favourable notice.

Meantime, between taking them in, Eliza had had the felicity of catching the sound of Martin's first appliance of his latch-key to the door, and, with all due impressiveness, had delivered herself of the trust reposed in her. So very earnest was she in nods and half-whispers that, fancying something far beyond the truth was hidden under it all, he was slow to receive her meaning. Not until she had almost nudged him up against the best parlour door did he clearly perceive that he was to go in there.

"Alone, Miss Awdrie?" he asked, as he entered.

"Mrs. Hedwig was sent for by the Professor," answered Jessica.

"And left you with her work?" he asked, seeing the well-known lace in her hands.

"I am tracing a flower for her," she answered, carelessly.

"I wonder sometimes, Miss Awdrie," he said—"but perhaps you will think I am taking a liberty in speaking so?"

"No, I shall not, indeed," said Jessica, frankly; "I am sure you would not do or say anything but in kindness."

As she uttered these words Martin was struck by the change which her earnestness made in her usually vapid countenance. He replied, encouraged by it, "Then I will be candid: I think if you occupied your mind in some satisfactory subject, you would be much happier than you are."

"How do you know I am not happy?" she asked, colouring.

"I judge so from your manner and appearance, and—"

"And from what your mother says?" asked Jessica.

"She thinks you are not happy," answered Martin.

"It is true I am not," said Jessica, sighing. "Mr. Hedwig," she exclaimed, suddenly looking up with an animation he had no idea she was capable of, "I am strangely perplexed, and, if you had *not* volunteered your advice, I almost think I should have asked it soon."

"Then you have a double claim on it, small as its value may be," said Martin; "but, without wishing in the least to intrude into the causes of your uneasiness, I should be glad if you would let me recommend you to divert your mind, to use it, to exercise its powers; you would find it a panacea for most evils, certainly for *ennui*, from which I think you suffer."

Jessica smiled and shook her head.

"I knew you thought so, knew you despised me—no, you are not capable of *that*—pitied me as a poor weak girl, brainless and nerveless; but I didn't care for that. Mr. Hedwig, there are troubles so strangely deep that they drown all others; it was no trouble to me to be despised or pitied, which, by the way, amounts to much the same thing."

Was this the passive, dead-alive Miss Awdrie, the blank book, the shepherdess without a head? Martin beheld her with unfeigned surprise; the workings of long pent-up feelings struggled in her face, which became colourless with the conflict.

He was silent from respect, and she, as if by strong effort recovering, said, "You know my story; you know that I am the affianced wife of Edward Fairfax; you know *him*, and you know what he suffers from the unkind opposition of his father; and, knowing all this, do you want any further key to my indifference to all around me—my extreme wretchedness?"

Martin looked puzzled now: all this feeling about Edward Fairfax puzzled him; the notion of his suffering from anything (*in his* own proper sense of suffering) both puzzled and amused him, and Miss Awdrie fell almost as rapidly in the thermometer of his respect as she had risen in it.

"Poor Edward is very unhappy," she said. "You are his friend; you can feel for him."

"I know him, certainly, and have known him now for some years. Has he been in such deep grief lately? He seemed light-hearted enough when last I saw him."

"Oh, he is greatly tried," she answered; "he thinks, because his father has made such a decided stand against our—our engagement—he ought not to hamper me, he ought to give me up." Her tears fell as she spoke.

"How long has he been so conscientious?" asked Martin, somewhat drily.

"For the last month his mind has been much unsettled; but this morning I received a letter which I could not have borne—I may tell *you*—but that I know how it must have wrung his heart to write it; he gives me up tells me not to consider myself his any longer."

"Very strange, indeed!" said Martin; "and does he assign no other cause than respect for parental authority?"

"None. I am the more surprised at it because of the sudden and great change."

"Then he had none of those scruples when first you came here?"

"None; on the contrary, he wished me to consent to a secret marriage, and suggested a plan for my escape with him."

"Which you resisted?"

"Certainly. I told him that such an act would prove me unworthy of being his wife."

"And the proposal of it, did it not show him unworthy of being your husband?" asked Martin.

Jessica looked as if she didn't consider the two things exactly the same.

"What I wanted you to do," she said, in a low voice, and looking at the flower she had traced, "was to write to him, and tell him that he ought not to be angry with me for not consenting to his wish—for I believe *that* is the true cause of his present conduct—but show him that I was right, and that it is better to wait patiently until his father gives his consent, or until my being of age leaves us to act independently. You see, Mr. Hedwig, I treat you with all the candour of a sister; Edward told me I should find a brother in you. Will you write?" she asked, looking up timidly.

"Why, may I ask," said Martin, not answering the question—"why does his father object to the engagement?"

"I never knew why, nor does Edward. My kind dear friend Miss Fairfax, who loved him and me too as if we had been her children, encouraged our affection for each other: it was not till her death that it was frowned at."

"You have known Edward long?"

"From my childhood; and the last three years we lived under the same roof."

"Then you are intimately acquainted with his character?"

"I ought to be," said Jessica, dropping her eyelids under the scrutinizing glance which accompanied this question.

"You *ought* to be," repeated Martin; "but it is strange how our affections blind us to the defects of those we love."

"The only fault his aunt found with him was impetuosity; his father called him wilful and selfish. I never saw more of impetuosity or wilfulness than are commonly found in a high-spirited young man."

Martin smiled at this.

"You needn't smile," said Jessica; "you know him; you must admit that he is noble-spirited."

"I have seen him in high spirits," said Martin; "he has abundance of cheerfulness, a great flow of natural gaiety."

"I don't mean that," said Jessica, quickly, "though I know it to be true; I mean that he has a noble, high, generous character."

"Yes, I thought you meant that," said Martin, calmly.

"I thought you were his particular friend, Mr. Hedwig," said Jessica, in a questioning tone.

"Did you?" replied Martin; "I never considered myself so."

"He professed great attachment to you," she said, reproachfully.

"Yes, he did," said Martin, quietly; "but, Miss Awdrie, I look on real friendship as something too costly to be purchased by mere professions."

"I wouldn't speak of him to any but to a true friend," said Jessica, with some warmth.

"That exception won't exclude me from your confidence; for assuredly I am his true friend, as I am yours, and I will gladly do service to either of you."

"You say, and unsay; what am I to think?"

"Think this, Miss Awdrie: that, though not so many years older than yourself, I have seen more of the world than you have; and that it is possible I may have formed a more correct estimate of Edward than you have, though it doesn't approach to so sublime a standard."

"I cannot think anything derogatory of him," she answered, in an offended tone.

"What! not when he has told you that he breaks through the engagement you have formed, and that without assigning any true cause?"

"He dares not disobey his father," said Jessica; "I told you so."

"You did."

"I see plainly by your manner, Mr. Hedwig, that you question that being his true reason."

After a short pause Martin replied, "Does such a reason agree with his conduct hitherto? Had he such a nice sense of honour and duty when he proposed a secret marriage?"

"That was very indiscreet of him," said Jessica.

"Call him indiscreet, then, if you will; may be it is discretion, and not honour, that influences him now."

"I don't know what you would have me think, Mr. Hedwig," said Jessica, tremulously; "but, from your manner, I am sure you don't like Edward; and I wish—and I wish—"

"You wish you hadn't spoken to me. Never mind; you have done no wrong in it. I will willingly write to him; but, if I do, remember, I shall write as I think your brother ought to write, if you had one."

"Thank you," replied Jessica, in tears. "I fear I have wounded his pride, his sensitiveness," she said, correcting herself. "I have reminded him of all the good things that his dear aunt taught me, and tried to teach him. And she used to think, when he turned away from her lectures, as he called them, with a laugh, that he would bear them better from me; and that was why she longed so much to see us united."

Martin slowly shook his head.

"You think lightly of a woman's influence," she said.

"By no means," he replied; "but she hazarded your happiness much by encouraging you to fix your affections upon a character that was to owe its excellence to your ascendancy over it. A dangerous speculation that, Miss Awdrie!"

At this moment the door "opened, and Mrs. Hedwig entered, her face serene as usual, but with a look of more than usual tenderness as she spoke to Jessica.

"Martin, love, your father has a visitor who wants to be introduced to you," she said.

As he left the room he told Jessica that, if, in the evening, she still thought his help expedient, he would gladly afford it to her, and that immediately.

His mother followed him, and said softly and sorrowfully, "You will hear sad news, love; but, if you can help it, don't let your father take him into the study—there's such a draught there, and the chairs are so dusty: you know he never will allow it to be cleaned."

Martin nodded assent, and Mrs. Hedwig returned to Jessica.

#### THE OLD TÉMÉRAIRE.

THE coloured illustration of this month's "Loisure Hour" will convey some notion of a glorious picture of England's greatest colourist, if not—as some authorities well versed in pictorial art will have it—the greatest painter the world has yet seen. We do not propose to make this an occasion for presenting to our readers a chronologically sequent biography of that great artist, but eccentric and in many respects unlovable man, William Mallard Turner, but merely to offer a few remarks on his genius and skill, suggested by this celebrated picture.

As an artist, Turner has won the admiration, not of his own countrymen merely, but of all artists and art critics in every part of the civilized world where the fame of his reputation has extended, and the tablets of his genius, original or copied, have been seen. Wholly without the advantages of art education, not an academ-

mical student, and his wayward genius perhaps unfitting him for the condition of art studentship, he rose to be what he was—superbly excellent in the two departments of art, oil and water-colour painting—through the force of what we may call his own art sentiment alone, nurtured into forms of practical expression, through long discipline, and a conscientious observation of nature. Very rare indeed is it to find an artist who has excelled, so indisputably as Turner excelled, in the two widely opposed technicalities of oil and of water-colour; and the conclusive proof of this excellence in the two schools of art is that both oil and water-colour painters claim the memory of Turner as appertaining to them respectively in the highest degree.

On this point we have taken much trouble to acquire the evidence warranting us to arrive at the conclusion just indicated. As a matter of duty at first, we put the following question to an accomplished oil-colour artist and an equally accomplished water-colour artist respectively: "In which medium, oil or water, do you consider that Turner was strongest, that he painted his greatest works?" Each man answered according to his own chosen medium. "In water-colour," said the water-colour artist, "unquestionably, unquestionably." "In oil," said the artist in oil, "undoubtedly, undoubtedly." We tried farther: it was all the same. We proposed the same questions to other artists, and, according to their material, did the reply not vary. Rest the pre-eminence where it may, on the side of oil or on the side of water-colour, this one thing is certain, viz., that, as Turner's artistic powers increased, he threw aside paper cartoons, water-colour boxes, and quill sable-brushes; he mounted the more imposing-looking canvas panels; he worked with oil; and, except for the purpose of mere sketching, he worked in water tints no more. It would seem to follow, then, that the artist considered oil-painting best adapted to the expression of highest art, in landscape at least—a point by no means conceded by all landscape painters. With the history of water-colour painting the memory of Turner will ever be associated, in a manner that his labours in oil do not suggest. Turner, perhaps more than any man living, or who lived, has contributed to bring the mechanism of water-colour painting up to its present excellence—up to the point of art at which its disciples could hope, or could be justified, in placing their pictures in any sort of rivalry with pictures in oil.

Many of us have seen ancient water-colour delineations at one time or another; now amongst the family effects of our grandmamas or great aunts, now in back-alley stalls and little shops in out-of-the-way purloins of towns and cities. It needs the delicacy of no specially-trained artistic eye to recognise a striking difference of execution of method, no less than of ultimate effect, between ancient and modern water-colour paintings. Perhaps, indeed, some of us are old enough to remember the time when water-colour delineations were not called paintings at all; they were simply called drawings, and, indeed, they merited no more imposing title. The manner of working adopted by ancient water-colour artists was wholly different from the manner practised now; and Turner, perhaps more than any one, tended by his practice to establish the method of handling adopted by the new school.

Turner's artistic career is usually divided by art students and art critics into three periods; of which the second comprehends all his greatest works, painted in oil. The third period is characterized by a wild disregard of form; the artist having cast aside such small powers of figure-delineation as he was only competent to exercise, and revelling in the most glorious tints. His

sole object in painting these later pictures seems to have been the demonstration of the charm judicious colouring might possess, without one adventitious aid of form to recommend it. The picture here represented, "The Old Téméraire," the "Fighting Téméraire," towed to her last resting-place on the waters, to the place where she was to be broken up, was painted towards the end of the second period of Turner's career, at a time when his powers had slightly begun to wane, but only slightly. The first thing that strikes the art critic on looking at this picture is the wonderful breadth and the heart-stirring sentiment of it—the latter the more extraordinary, seeing that the elements, and inanimate objects alone, comprise the materials wherewith Turner had to deal. Observe the sun setting in his glory, so emblematical of an almost past career. Note the glory of that orb, painted as only Turner could paint him, with hues so vivid that a modern art critic, and a eulogistic admirer of Turner, has somewhere hyperbolically written that our artist painted not from the palette, but dipped his brush in the tints of the rainbow.

Next observe the clouds, and mark well that, in dealing with these ever-changing robes and curtains of the sky, Turner has gone above the lower region, where previous artists had been wont to stop short, and, ascending to the feathery "cirri," as they are called, those wreaths of white and golden vapour which delicately float like fairy fringework, he has revelled in a thousand indefinite forms poetically suggested. Now, straining the eyes at this cloud-work, looking with pensive, half-abstracted gaze, as one may look into a glowing fire some cold winter night, and feign to the imagination a host of unreal faces, those wondrous clouds seem to reveal now a vision of golden serpents, now the faces of men, now the forms of animals: all suggested, all unreal; each vanishing at the next beck of fancy, as a smoke-wreath vanishes when chased and scattered by the breeze.

Look we now at the principal subject of the picture: the poor old worn-out "Fighting Téméraire"! How white and spectral, how almost unreal she looks; impalpable and ghostly almost by comparison with the saucy, puffing, sooty, snorting little steam-tug that leads her to her doom so impudently, so remorselessly. A sort of notion prevails that steam-carriages and steam-ships are unpoetical—beyond the skill of art to redeem, of the painter's skill to make presentable. That notion is somewhat inconsistent with the teaching conveyed by this beautiful picture. Surely the full measure of sentiment that could be conveyed by a picture wherein the element of human and animal life was wanting has been conveyed by the representation of the last days of the "Fighting Téméraire." Mark too, now, the ignominy implied by the noble ship of war rubbing sides involuntarily against the ignoble manure-barge. In the picture itself a good deal more of the tale is told than we have been able to convey in our representation. For example, the sails of the barge are soiled and dirty, to an extent that would have repelled any well-ordered decent man-of-war, free to go as she listed, not bound to a fussy, puffy, little steam-tug, cable-lengths away; but now, alas! the poor old "Téméraire" is worn and decrepit: her snowy sails are no longer spread; no crew manœuvres aloft, or upon her decks; she quietly submits to the indignity, and goes to her doom.

Turner lived penitiously, and, in some respects, miserably. His house was barricaded alike against artists and the public. So insuperable was his aversion to be seen at work that we believe, subsequent to the time when he became an artist of note and fame, there

is no well-authenticated attestation of his ever having been seen painting. This characteristic betokens much illiberality; but Turner was a man of deeply-pronounced contradictions. By will he bequeathed a handsome amount to his brother artists, and his collection of pictures he bequeathed to the country, under the stipulation that they should be hung in a gallery specially designed for them. The last stipulation probably was well meant; but all persons connected with or interested in art subjects have well-nigh come to regret that Turner ever made it; and for the reason that, pending the appropriation of such a special edifice—if ever appropriated, which is doubtful—a large collection of beautiful water-colours, executed by our artist, remain stowed away in a cellar of the Royal Academy building, inaccessible to most, save the keeper; utterly lost to art; incapable of promoting the objects of art education; and, if reports be not unworthy of regard, spoiling through damp, dust, mildew, and neglect. Unfortunately, too, the cellar storage of these beautiful water-colours was brought about by the manifestation of an access of zeal on the part of some honourable member, whose energy is to be regretted. The occasion was as follows: A few years ago the Turner bequest to the country found temporary home and habitation in Marlborough House. True, indeed, the pictures were not hung absolutely alone; true, also, the locality of their hanging was such as did not admit of some of the paintings being seen to the very best advantage. To a certain extent, however, they all could be seen; so that, by remaining there, they might have moderately well subserved the interests of art education. Under these circumstances it was that some member of Parliament—one more zealous than discreet, we venture to pronounce—got up in the House and called attention to the non-compliance with Turner's testamentary stipulations. The accusation was true, doubtless; but the pictures had better have remained hanging in Marlborough House than that some of them should have been consigned to a cellar, not to be hung at all, and, what is worse, to spoil.

Having discoursed thus far concerning the artist and his pictures, it is only fitting that we should append some few remarks relative to the immediate subject of the one, a representation of which we have now before us—the "Téméraire." This ninety-eight gun-ship of war was celebrated for the part she took in naval history during the time of Nelson. At the battle of Trafalgar she performed an important part, belonging, as she did, to the weather division of ships of the line—in support, therefore, of Nelson's own ship the "Victory." That vessel acquired the name of "The Fighting Téméraire" because of the prominent part she took in sea conflicts. Allen, in his book entitled "Battles of the British Navy," states that at the battle of Trafalgar the "Téméraire" with some difficulty, owing to her being very light, kept astern, or rather upon the starboard-quarter of the "Victory," sustaining, as well as the "Victory," much loss and damage from the fire of the enemy. When the "Victory" put her helm a-port to attack the "Bucintore," the "Téméraire" was obliged to do the same, in order to keep clear of her leader, and from this cause, and the absence of any wind, was some time in finding an antagonist to herself. The "Téméraire" hauled round the "Redoubtable" at some short distance, receiving her starboard broadside, which carried away the head of her mizen-topmast; the "Téméraire," however, could make no return to this fire, on account of the position occupied by the "Victory," but passed on, and for a time engaged the "Neptune." At the time before stated, the two ships, "Victory" and

"Redoubtable," coming down under the influence of the swell, and light air of wind, gradually closed upon the "Téméraire," and the latter was added to the group. Well, then follow particulars of broadsides delivered with tremendous effect, boarding, death, and conquest. We have no particular desire to linger over these horrors; enough has been written to explain the origin of that seaman's term so often heard spoken, "The Fighting Téméraire." Let us add that this celebrated vessel may now be considered as one of a type that is fast becoming extinct—namely, ships of the line. Naval artillerists are now mostly of opinion that pitched battles of ships of the line against ships of the line are at an end, because of the radical modifications in artillery no less than in war-ships. What the prevalent type of war-ship is to settle down into ultimately nobody, not even technical people, seems to know. Captain Cooper Coles would have us trust to cupola ships; but Mr. Scott Russell, and other authorities, are confident that cupola ships, however good for purposes of coast defence, will never be able to hold their own on the broad ocean. Mr. Scott Russell is strenuous in favour of thickly-plated and heavily-armed broadside vessels. Other authorities there are who disapprove of both, and would trust the keeping of their naval honour to vessels carrying two large guns at bow and stern respectively; which guns, it is proposed, shall only be made capable of elevation and depression, lateral movement or training being accomplished by the steam movements of the vessel itself. All these propositions are still under debate, and warmly. Which form of war-ship will ultimately prevail nobody knows. Every competent judge of these matters seems to have come to the conclusion, however, that the days of ships of the line are gone and past, never to return.

#### THE THAMES EMBANKMENT.

FATHER THAMES has had so many poetical compliments paid to him that he should sit beside his urn crowned with laurel, and not with sedges or weeds. Sir John Denham says—

"O could I flow like thee, and make thy stream  
My great example as it is my theme!  
Though deep, yet clear; though gentle, yet not dull;  
Strong without rage, without o'erflowing full."

and Thomson—

"Then Commerce brought into the public walk  
The busy merchant, . . . and thy stream, O Thames,  
Large, gentle, deep, majestic, King of Floods,  
Chose for his grand resort."

In process of time the river lost many of its estimable qualities. So many trades were carried on upon its wharfs, both south and north, so many of them poured their refuse into the water, and its tributary streams rolled such torrents of abomination into it, that it became offensive to all who had occasion to use it, either as the silent highway or for domestic purposes. At low water a dreary expanse of mud lined the shore—the dreaded seed-bed of disease. A universal clamour of reprobation was at length raised. One day Faraday gave his card to the Thames, and had it returned to him quite blacked by a process which told to chemists a dark tale of poison and death.

The public and the press joined in the cry, and an Act of Parliament was passed to make an embankment on both sides of the river, beginning with the north. By connecting this plan with the new sewage system of the metropolis, the water of the Thames, it is hoped, may be restored to something of its ancient purity. While the river would be protected from the influx of new impuri-

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NEW STEAM-BOAT PIER AT TEMPLE GARDENS.  
*(From the design kindly lent by Mr. Bazalgette.)*



## THE THAMES EMBANKMENT.

ties, the contracted width and increased flow of water would prevent the accumulation of muddy deposits.

Other important advantages were sought in the embankment. The streets and great thoroughfares on either side of the river would be relieved of some of their overgrown traffic, a large part of which would be transferred to the roads or the quays. A main sub-way would also be obtained, not only for the great cloacæ, or main sewers, but also for gas-pipes, water-pipes, and telegraph wires, which could be attended without interruption of the traffic on the surface. Nor is the actual gain of land to be forgotten, about 35 acres being estimated as clear gain from the waste bed of the river for roads and for buildings.

The total length of the embankment proper is to be a little over 6000 feet. Its width will vary at different parts, from 200 feet at Temple Gardens to 450 feet at Hungerford Bridge. Along its whole length will be one noble roadway of 70 feet wide, and two footways of 15 feet wide each, or 100 feet in all. Only on the east side of Temple Gardens will the dimensions of this fine avenue be reduced to a total width of 70 feet, viz., 50 feet for road, and 10 feet for each of the footways. The height of the granite parapet protecting the roadway will be 4 feet, and, viewed from the river at low water, will appear as a magnificent quay of solid masonry 26 feet high, and more than a mile and a half in length.

The face of the embankment commences at the northern abutment of new Westminster Bridge, in a line with the water front of the Houses of Parliament, and it is to extend in a slightly curved line to the northern brick pier of Hungerford Bridge. At Richmond Terrace it will be 220 feet in front of the present high-water line; at Scotland Yard 400 feet; and at Hungerford Bridge 300 feet. From Hungerford Bridge it will continue to the first Middlesex pier of Waterloo Bridge, and opposite Buckingham Street it will extend no less than 450 feet into the river; opposite Salisbury Street 300 feet; and opposite Somerset House 130 feet. The solid embankment is to terminate on the eastern side of Temple Gardens, where it will extend about 200 feet into the river. From the junction at Westminster Bridge it will descend at an inclination of 1 in 80 to the mean level of the bank above high-water mark. From the east end of the Temple Gardens the ascent to Chatham Place is to be 1 in 60; and from this point it will be taken on wrought-iron arches of exceedingly handsome design, carried on similarly ornamental cast-iron columns, so as to allow a waterway under the road to the London gas-works and old Whitefriars Docks. The Templars will get a strip of grass land 800 feet long by 120 wide, which they will add on to the length of their pleasant gardens. All the private houses facing the river between Westminster and Whitehall get additional garden land between them and the embankment; in some cases as much as 180 feet, and none less than 100.

The several portions of this great work have been undertaken by different contractors. That part of the embankment comprised under contract No. 2 extends from the eastern side of Waterloo Bridge to the lower end of Temple Gardens, a length of 1970 feet. About its centre will stand the Temple steam-boat pier, in length 470 feet, a piece of fine granite masonry, which will present an imposing front to the river, and will very effectually break the uniformity of the river wall. This portion of the embankment forms the subject of our picture. The foundation-stone was laid last autumn by Mr. Bazalgette, the Engineer in Chief of the Board of Works, amid a large attendance of the members, and other gentlemen interested in the undertaking. It is a

fine block of red granite, as sound and substantial as the most exacting engineer could require. It forms one of a long line deposited *in situ* at the bottom of the cofferdam, and ready to take their place as the first course of the solid-looking masonry that will form the river-wall.

When the stone was lowered into its place with the usual formality, Mr. Bazalgette said they had now performed the ceremony of laying, not the first stone of the Thames Embankment—that had been laid some months since by the Chairman of the Metropolitan Board of Works—but the first stone of the second contract of the Thames Embankment. That important work was divided into two contracts, each having a separate contractor, and a separate resident engineer, and therefore it was a matter of some interest that they had that day laid the first stone of the second contract. He was pleased to see present a number of the leading members of the Metropolitan Board of Works, who took an interest in the great work of the Thames Embankment—one of the greatest, probably, ever constructed within the metropolis. It included a great many advantages, such as getting rid of the muddy banks of the river, forming a capital roadway 100 feet wide from the West-end right into the heart of the City, doing away, practically, with Ludgate and Holborn hills by substituting a perfectly level roadway, and providing one of those modern improvements, a sub-way, by which gas-pipes, water-pipes, and telegraph wires could from time to time be laid without interfering with the traffic. Another important feature in the embankment was diverting the low-level sewer, and thus preventing the residue of the sewage from polluting the river. If that course failed to make the Thames perfectly pure, there was some satisfaction in knowing that all that remained would be only alluvial deposit, which would not be injurious to health. Besides the immense public improvement this indicated, there would be ornamental grounds, which would add considerably to the appearance of that part of the metropolis. He only regretted that, when the Bill was passed which enabled these works to be executed, the Metropolitan Board had not been empowered to buy the property lying along the margin of the river, so that, instead of having to compensate for injury done to trade by these works, they might have been able, at a little additional expense, to buy up all the existing property, and present a handsome frontage from one end to the other of the embankment. In addition to the public advantages to be gained by this great work, it was of great interest in an engineering point of view, in common with all works having a foundation in the bed of a river subject to tidal influence. In the present instance they had adopted three or four different modes of keeping out the tide, such as iron caissons and cofferdams; and Mr. Bazalgette hoped such a record of the works would be kept as would add to the information of the engineering profession, and influence and advance science in that respect.

Before we get accustomed to the monotonous grandeur of the embankment and its quays, let us glance back at the picturesque deformity of the river banks which will soon be seen no more. An old writer, Howel, describes the Thames as a river without a fellow, “if regard be had to those forests of masts that are continually upon her; the variety of smaller wooden bottoms plying up and down;\* the stately palaces that are built upon both

\* Stow computes that, in his time, there were more than two thousand boats plying for hire on the river, and records that there were forty thousand watermen on the register of the Company, which could furnish on demand twenty thousand men for the fleet. Taylor, the waterman and water-poet, laments grievously the decay of his craft even in the days of James I, from the crowds of wheeled coaches which plied in the streets.

sides of her banks so thick; which made divers foreign ambassadors affirm that the most glorious sight in the world (take water and land together) was to come upon a high tide from Gravesend, and 'shoot the bridge' to Westminster."

Davenant has also left a description of the river and its banks, which he puts into the mouth of a Frenchman. This is in the time of Charles II. "You would think me a malicious traveller if I should still gaze on your misshapen streets and take no notice of the beauty of your river. Therefore, I will pass the importunate noise of your watermen (who snatch at fares as if they were prisoners, plying the gentry so uncivily as if they had never rowed any other passengers but bear-keepers), and now step into one of your peascod boats, whose tilts are not so sumptuous as the roofs of gondolas. The commodity and trade of your river belong to yourselves; but give a stranger leave to share in the pleasures of it, which will hardly be in the prospect, or in the freedom of air; unless prospect, consisting of variety, be made up with here a palace, there a wood-yard; here a garden, there a beer-house; here dwells a lord, there a dyer, and between them a *duomo comune*. If freedom of air be inferred (included) in the liberty of the subject, when every private man hath authority, for his own profit, to smoke up a magistrate, then the air of your Thames is open enough, because 'tis equally free." One more sketch from later times. Mr. C. Knight thus speaks with a Londoner's enthusiasm of "the silent highway" between London and Westminster bridges. "What a gorgeous scene is before us! The evening sun is painting the waters with glancing flames; the cross on the summit of that mighty dome of St. Paul's shines like another sun; churches, warehouses, steam-chimneys, shot-towers, wharfs, bridges—the noblest and the humblest things—all are picturesque; and the eye, looking upon the mass, sees nothing of that meanness with which our Thames banks have been reproached. In truth, this juxtaposition of the magnificent and the common fills the mind with as much food for thought as if from London Bridge to Westminster there was one splendid quay, containing the sheds, and coal-barges, and time-worn landings which meet us at every glance."

#### THE CALIFORNIA OVERLAND EXPRESS:

THE LONGEST STAGE-RIDE IN THE WORLD.

NINTH AND TENTH DAYS.—TUCSON AND CENTRAL ARIZONA.

AFTER travelling several hundred miles without seeing a village or even a house (except the solitary overland stations), we reached Tucson, the capital of Arizona, merely a small wretched town of adobe hovels, each having a door and one small unglazed window. Its indolent Mexican population is characterized (as usual in Northern Mexico) by robbery and assassination.

Having read in a scientific memoir that two remarkable meteorites, weighing respectively twelve hundred and one thousand pounds, had fallen at Tucson, and were to be seen near the alcalde's house, we made inquiry about them, but could elicit no information whatever, as to their present existence or whereabouts, from the ignorant inhabitants.

Central Arizona was the least interesting part of our route, with the exception of the strange vegetation of petahayas and cacti. The stations, too, were wide apart. Thus, after leaving Tucson, we travelled two stages of thirty-five and twenty-four miles consecutively, with only four miserable horses in each case. Two of them lay down and would not stir, though beaten, as it

seemed, cruelly with sticks and poles; but, on passing a rope round the fore-leg of one of them, they started, but soon flagged again; and we had to walk over the roughest part of the distance at night, to relieve the poor jaded creatures.

From Tucson to the San Pedro the country consists of mesquite moorlands containing numerous aloe and mescal trees. Many of the latter were partially burnt by the fires lighted by Indians in cooking the tenderer portions.

Near the San Pedro we passed a camping party of emigrants, one of whom came forward and asked for a newspaper. He was recognised as being the notorious "Judge Ned Macgowan," a well-known character in the earliest days of San Francisco, who had been obliged to flee the city to escape Lynch law, owing to his participation in the murder of the editor of the "Bulletin" newspaper. In company with "Phil Herbert," another worthy of the same city and times, and formerly senator for the State of California, he was now going with a company of miners to the recently-discovered gold-digging of the Sierra Mimbres, in the east of Arizona. These diggings (in common with others in Northern Mexico) would be very productive if it were not for the scarcity of water, which almost amounts to perpetual drought, in these upland provinces. From Tucson to Fort Belknap, in Texas (a breadth of eight hundred and eighty miles), the country along our route was nowhere at a less altitude than two thousand feet above the sea level, and in far the greater portion of the same distance it exceeded four thousand feet, rising to more than five thousand on the table-lands of the Llano Estacado, in Western Texas.

Beyond San Pedro the plains were more grassy, and commanded extensive prospects, exhibiting much variety and beauty of aerial effect and colour. Thus, the foreground would be brownish, succeeded by yellow, green, grey, and dark blue tints in order, beyond which the feet of the distant mountains were of a light shade, whilst the heights themselves were again dark blue.

At a mountain station a group of ten Apaches were loitering about whilst we took supper. Some of them were painted with bright daubs of vermillion and white, and appeared to be of most vicious aspect, as if they would as willingly murder a stranger as look at him. The station-keepers were "armed to the teeth" with revolvers and bowie-knives, and had a stand of rifles indoors. Themselves and the Indians were alike a rough set, and might possibly have been in the memory of a San Francisco merchant, a recent traveller by the Overland, whom the writer consulted as to what preparation for the journey he would suggest from his own experience. Amongst other things he recommended "a supply of tracts and a good six-shooter," the former for the habitually swearing and blasphemous officials of the Overland, and the latter for the Indians.

This gentleman's conversation was a curious mixture of dollars and religion, Sunday-schools and business speculations; and, after having offered to the writer (at original cost price at least) a portion of his own equipment of Overland desiderata (much the worse for use), he presented in addition a card inscribed, "The Four P's: Punctuality, Prayer, Patience, and Perseverance."

The Apache Pass was a rugged but very picturesque portion of our route, and will be long remembered by the writer as the scene of the finest storm and sunset he ever witnessed. All the afternoon thunder had been rolling amongst the mountains, accompanied by vivid flashes and zigzags of lightning and broad patches of rainbow amongst the sierras. Large hailstones and heavy rain had just fallen on a portion of our

## THE CALIFORNIA OVERLAND EXPRESS.

track. On emerging from the pass we witnessed a most gorgeous sunset over the mountains of the prairie. The broad valley was like a purple lake, into which dark grey and blue promontories of the mountain-spurs projected successively in the distance upon its dead level. Heavy thunder-clouds were still hanging round the heights, whose vaporous masses were in places variegated with the orange and crimson of the sunset gleamings. From these there still continued to dart at intervals streaks of lightning, whilst beyond the plain the opposite eastern peaks glowed as with carmine reflections of the sun. Midway were varied and extended lines of blue and grey shades, whilst in front, under a clear sky, was a brown foreground sprinkled with a vegetation of rigid aloe-spikes and feathery acacias. As we passed we all gazed fixedly, with intense admiration, at the magnificent spectacle, and longed for some means of perpetuating its image for future enjoyment.

## ELEVENTH DAY.—EASTERN ARIZONA.

Nearly all day passing over the prairies of Eastern Arizona, which are covered with gramma grass and "Spanish bayonet." The abundance of the latter, with its tall spikes of white flowers, presents at a distance the resemblance of vast processions of men moving across the plains with innumerable white banners.

The level prairie tracks are the best parts of the journey for ease and speed. To-day four mules brought us from Cook's Springs to Goodside (fourteen miles) in sixty-one minutes. The hills hereabouts are flat-topped and canister-shaped, like those of Gozo. The level summits are of trap or other hard rocks, having precipitous sides, and below a slanting deposit of calcareous rock washed down from above by the action of water. A German store-keeper from the Mimbres joined us to-day as a "way-passenger," and confirmed, from his own experience, the accounts we had heard of the disorganized state of society in these regions, and more particularly in the valley of the Rio Grande. He remarked, "No one's life is safe here for two hours; every one goes about with arms, and seven out of every eight men have at some time killed one or more persons."

## TWELFTH DAY.—VALLEY OF THE RIO GRANDE.

Soon after midnight we reached Mesilla, whence the Sante Fé branch of the Overland Mail starts fortnightly. Like other places in these provinces, it consists of adobes. About a mile further on we reached the Rio Grande, and were overtaken by our German companion of yesterday, running and perspiring, in his eagerness not to be left behind, having stopped talking at Mesilla till the stage had left. He was just in time to join us at the ferry over the river, which is here nine hundred miles from its mouth, four hundred feet wide, twelve deep, and very muddy and rapid. Our route for a hundred miles now lay close to this river, whose banks are a pleasing contrast to the sterile regions east and west of them. We passed crops of maize, wheat, sugar-cane, and sunflowers. The latter are cultivated on account of their leaves, from which a kind of "tea" is extracted by decoction.

Large blue cranes and wild geese were numerous, especially on the banks of the river and its tributary streams, whose overflowing obliged us to take several lengthy circuits. Our supply of provisions improved during our short transit through this belt of fertile land. At El Paso we had onions and eggs, in addition to our general fare of fried steaks and bread.

New Mexico and Eastern Arizona are very low in their social and moral condition. Their inhabitants are miserably poor, and many are peons, or slaves, to the few wealthy owners of flocks and plantations.

On account of the rapidity and of the rocky bed of the Rio Grande, merchandise is conveyed hither from the Gulf of Mexico by trains of "freight waggons," a slow and expensive process.

The population chiefly spend their time in lounging in the sunshine, playing at monte, or dancing the fan-dango. A peon letter-carrier to-day ran along beside our waggon the greater part of a stage of twenty-five miles. He was lightly clothed, having merely linen drawers, and appeared to be very strong-limbed and good-tempered.

## THIRTEENTH DAY.—FRONTIERS OF TEXAS.

During the night we halted for a meal near the camp-fire of an emigrant party proceeding to California. Their waggons were arranged in a semicircle, and the usual precautions taken to avoid a surprise by Indians or a stampede of the horses. The party were comfortably reclining on the ground, some smoking and partaking of their evening meal of tea, slapjack, and dried apples stewed. The latter is a general and welcome article of diet on the western plains, being both palatable and easily portable in light barrels. The prairie waggons are generally hooped at the top. Their wheels are made of the wood of the Osage orange, which is close-grained, very tough, and does not crack too much with the heat and drought, which soon spoil ordinary utensils of wood, as two of our company found by experience, having brought with them a wooden keg for liquor, which was almost immediately rendered useless by the heat of the desert plains. We found our tin canteens for water far more serviceable, especially when wrapped in a piece of wet blanket, which, by the evaporation, kept the contents cool in the hottest atmosphere.

To-day we also passed a long drove of cattle, horses, and mules. Their herdsmen were all well-armed, and kept guard both in front and rear. "Texas," who has previously driven cattle across the plains, threatens vengeance on the Indians, when he has opportunity, for having robbed him of fifteen hundred dollars' worth of beasts. As tracts of from fifty to eighty miles of country without water have to be traversed at intervals, scores of cattle die on the way, and we often witnessed their bones and carcasses.

In driving horses or mules it is usual to tie them in pairs, by lariats on opposite sides, to a long central rope, stretched from a waggon in front to one behind. This prevents stampedes.

In leaving the valley of the Rio Grande we proceeded on foot slowly up steep passes to another table-land region of yuccas and prairie-grass, and were now in the extreme west of Texas and approaching the eastern spurs of the Rocky Mountains, whose various chains and plateaux we had been successively crossing during the past week.

Our sameness of posture becoming tedious, we tried various expedients by way of a change, sometimes sling-ing our feet by loops from the top of the waggon, or letting them hang over the sides between the wheels, and at other times mutually accommodating each other by leaning or lying along the seats, and not seldom all nodding for hours together in attitudes grotesque and diverse.

We had very little interruption to our general harmony. But on one occasion the two front passengers had become wearied with sitting for more than twenty-four hours in an almost horizontal posture, by reason of mail-bags filling up the space between the seats. On our getting out to a meal, one of the two pushed the bags backwards, so as to similarly incommoded those

sitting in the back of the vehicle, and more particularly "Texas," who stoutly demurred to the change. His neighbour in front persisted in pushing back the bags, and added, with a significant reference to his pistols, that there would be "trouble" unless his arrangement was agreed with. This roused "Texas," who, stooping to grasp his own trusty weapon, remarked, "Well, if you talk about 'trouble,' I can, too; and, as to that matter, I'd as lief have 'trouble' as anything else." This characteristic declaration, and its accompanying gestures, immediately made the first complainant "draw in," and exercise his "prudence as the better part of valour."



FOURTEENTH DAY.—EASTERN RANGES OF THE ROCKY MOUNTAINS.

We were now amongst the mingled mountains and upland plains which form the continuation of the Sierra Madre, the "mother chain" of the Rocky Mountains, and which are respectively named the Organ, the Waco, and the Guadalupe ranges.

Last evening, about sundown, "Texas" suddenly called out, "Rattlesnake! stop!" whereupon several of us jumped out, and, after killing his snakeship, cut off the rattle, which contained nine rings, and thereby indicated that he was eleven years old, as one ring is added annually after the first two years. Rattlesnakes are abundant in the prairies, especially in the marmot districts. Their bites are often fatal, but not generally, if immediately attended to. The ordinary Western remedies are to burn a little gunpowder several times on the wound, or (which is considered still more effective) to take copious draughts of whisky or other spirits—on a principle somewhat homoeopathic as to quality, but by no means as to quantity—thereby giving the system a temporary energy sufficient to overcome and neutralize the counter-energy of the venom. Despite the poisonous fangs of this reptile, he has his good traits, especially in giving a fair, distinct, and preliminary warning to all who trespass on his haunts; and herein is nobler than his Indian neighbours the Comanches and Apaches, whose wilness of treachery, and silent skill in ambush and in sudden surprise, transcend the sharpest instincts of the brute creation.

After passing Fort Davis (named after Jefferson Davis, when Secretary-at-War under the old Union, and one of the widely-separated links in the chain of military stations which maintain the authority of the American Government over the inhabitants of the

wilderness), we entered the Eighteen Mile Cañon,\* which is a continuous and very romantic descent from one plateau to another. Its perpendicular sides were in many places formed of basaltic columns, whilst a clear-stream occupied part of the narrow winding space between the cliffs, along whose length grew a varied vegetation of live oaks, walnut-trees, euphorbias, watermelons, and numerous flowering shrubs, over whose blossoms large black and variegated butterflies fluttered, whilst multitudes of lizards were sluggishly basking on the rocky ledges where the hot sunshine was streaming down.

On emerging from the gorge to another expanse of prairie, we distinguished, just after sundown, the treble peak of the Guadalupe or Cathedral Mountain, seventy miles across the plain. Both at sea and on the land, a most favourable time for perceiving distant objects is for about ten or twenty minutes after sunset, when there still remains nearly all the illumination of the sunshine, but without its dazzlement.

Took supper at Leon Hole Station, so named from a deep moorland tarn, whither troops of antelopes come over the plains to drink. It is said never to have been fathomed, though sounded with a line of five hundred feet. An emigrant once threw in here, over night, the shrunk wheels of his wagon, and, on coming to draw them out in the morning, was astonished to find that they had entirely disappeared in the depths of what, in the evening, he had assumed to be an ordinary pool or temporary accumulation of water in a prairie hollow. At this station we had for supper some excellent bread, the best on the route; and there was a refinement about the spot very different from the rugged aspect of the generality of Overland stations and their inmates. This was owing to the presence of a cheerful matronly woman (the wife of one of the station-keepers), and two gentle girls, her young daughters, bright "prairie flowers" not often seen in these rough Far-Western wilds.

#### HINTS ON LEGAL TOPICS.

##### III.—WILLS AND WILL-MAKING.

At the time of the Reformation statutes were passed to defeat or prevent dispositions of property by will to what were considered to be superstitious uses, such as prayers for the dead, perpetual obits, lamps, etc.; and superstitious uses generally, besides those named in the statutes, are void by the general policy of the law. Not only are express objects of this nature illegal, but a devisee may be compelled to disclose whether he takes subject to a *secret trust* of this description.

Shortly before the Revolution it was actually held by Lord Keeper North that a bequest to Mr. Baxter, the celebrated Nonconformist writer, of £600 to be distributed amongst sixty pious ejected ministers, and certain legacies also given to Mr. Baxter, one of them to be laid out on his book, the "Call to the Unconverted," were void as superstitious; but this absurd decision was very properly reversed by the Lords Commissioners. Bequests to poor Protestant ministers of any denomination are valid; also (since 1832) to Catholics in respect of their "schools, places for religious worship, education, and charitable purposes." But no gifts for saying masses for the repose of the testator's soul, etc., are lawful (at least in England). A bequest for printing and publishing a book teaching that the Pope has an eccl-

\* Canon is the general term for a Rocky Mountain gorge.

nastical supremacy paramount even to the authority of the temporal sovereign is void, as being against the policy of the law; and so was held to be (in 1850) a gift for a prize essay to show "the adequacy and sufficiency of natural theology, when taught as a science, to constitute a true, perfect, and philosophical system." But this last decision would probably not have been made at the present day.

A regulation as to the disposition of property—the existence of which is frequently forgotten by persons not in the habitual practice of the law—is that which is known as the *rule against perpetuities*. It is manifestly against the interest of the community that landed property should be tied up for a lengthened period, so that it cannot be sold and bought, and pass into general circulation. On the one hand, the improvement of the land would be checked, and it would be thus rendered less valuable; whilst, on the other, its acquisition would become difficult, and would cease to be looked for as a desirable investment. Landed proprietors would become an isolated class, and one of the leading motives to commercial enterprise would be extinguished. Accordingly, from early times it has been found necessary to place a limit on the period during which the owner of land can control dominion over it; and this period has now been long settled to be "a life or lives in being, and twenty-one years." Thus, a man may leave his estate to his living son A for life, and after A's death to any one or more of A's children, to become vested at twenty-one, or in the case of daughters, at twenty-one or upon their marriage under that age; but, if he were to attempt to postpone the vesting in A's children till twenty-three years of age, or until marriage generally, the gift to A's children would be void. The attempt to leave an estate to a son A for life, then to his eldest son for life, and then to the children of the eldest son, would be of course unsuccessful. With this rule the method of disposing of property, called *entailing* it, does not interfere, as may be shown hereafter.

A similar rule prevailed with regard to the accumulations of income of real estate, and the proceeds of stock and other permanent personal property, until Mr. Thellusson the banker, who died in the year 1797, made the extraordinary provision respecting his property, which has since become so celebrated. His landed estates were worth more than £4500 a year, and his personality was above £600,000. The effect of his will was to exclude every one of his descendants born in his lifetime, during their whole lives, from this property, in order that the proceeds might be accumulated and laid out in the purchase of landed estates for the benefit of some more remote descendant or descendants, whom, of course, the testator never could have known or "breathed the same air with." Yet there was nothing to prohibit this monstrous bequest, until an Act of Parliament was passed in the year 1799, which forbade the accumulation of the income of property beyond the life of the grantor, or the period of twenty-one years from his death, or the minority of the persons, who, if of full age, would be entitled to the property itself. And this is now the law, which is to be taken with this addition, that, whereas a gift of property which is void for remoteness fails altogether, a trust for accumulation of income which exceeds the statutory limit is void only for the excess, and will be good up to the period allowed by Act of Parliament.

Few persons will need to be reminded that gifts made by will, to persons who have died in the lifetime of the testator, fail, or, as it is technically termed, lapse, and, according to the old law, revert to their legal owners—*i.e.*,

to the heir if the subject-matter be land, to the next of kin if it be personality. A difficult question arises in cases where a legacy is charged by will, in favour of A, upon land which is devised to B, and A dies in the testator's lifetime. The legacy undoubtedly fails, but the heir of the testator claims it, as undisposed of real estate; on the other hand, B claims it as part of the estate demised to him, and no longer raisable. Under the new Wills Act, passed in 1837, gifts which fail, or lapse, from the death of the devisee in the testator's lifetime, are, unless a contrary intention appear, to be included in the residuary devise.

Instances were frequent in early times, and are common enough at present, of gifts in wills failing by reason of uncertainty. Sometimes the will-maker does not describe with sufficient clearness *what* he means to give; in other cases, *to whom* he intends to give his property. Sometimes he misdescribes the nature of his property; at other times he gives it the wrong locality. But all these errors will be assisted, as far as possible, by the court. Another source of uncertainty is, where the testator gives his property to A, and manifests at the same time an intention that A is to have it in trust for somebody else; but, owing to the obscure and defective description of who that somebody is, the trust of necessity fails. The result is that A holds the estate for the benefit of those who would by law be entitled to it. Thus, a lady bequeathed a sum of £2000 to her friend, declaring that it was given to her for the express purpose of enabling her to present to either branch of her (the testatrix's) family any portion of the principal or interest, as she might consider the most prudent. This trust failed, and the friend took the £2000 only for the benefit of the testatrix's next of kin. The besetting mistake of testators, in this class of cases, is their neglect to express clearly the distinction between a trust or an obligation on the one hand, and on the other, a mere expression of wish, or of inculcation of moral duty. The distinction may be illustrated in this way. A gift to a man, "in order to enable him the better to bring up his family," will give him absolute control over the property; whereas a gift to a man, "in trust to be by him applied for the maintenance and education of his children," will compel him to lay out the proceeds for their benefit.

A doctrine which deserves to be remembered, in considering the legal effect of a will, is that which is known to lawyers as "election." It may be expressed in this way: that any one who accepts a benefit under a will must adopt the whole contents of the instrument, conforming to its provisions and renouncing every right inconsistent with it. Thus, supposing a man dies, leaving entailed property behind him, which goes to his heir, and over which he has no lawful control; and suppose he also leaves a will in which he purports to give this entailed estate to some other person than the heir, at the same time bestowing upon the heir some other gift in the way of land or money; it is a settled principle that the heir must "elect;" that he cannot take both under and against the will: if he takes to the entailed estate and throws over the will, he must renounce the benefits which it offers to him; and if, on the other hand, he accepts the testator's bounty, he must surrender a corresponding portion of the entailed estate. Into the intricacies of this doctrine it is unnecessary further to enter; and the mention of it here is useful only as showing what will be one of the results of a man's inadvertently or wilfully attempting to dispose of property which does not belong to him.

Another important principle to be borne in mind is that which technically is called "conversion," or "con-

structive conversion." It is thus stated by a learned judge : "Money directed to be employed in the purchase of land, and land directed to be sold and turned into money, are to be considered (in a court of equity) as that species of property into which they are directed to be converted ; and this, in whatever manner the direction be given, whether by will, by way of contract, marriage articles, settlement, or otherwise; and whether the money be actually deposited, or only covenanted to be paid ; whether the land is actually conveyed, or only agreed to be conveyed. The owner, or the contracting parties, may make land money, or money land." This is a statement of the rule ; but great difficulty is often experienced in determining whether the language of the will amounts to a positive direction, either immediately or in future, to sell the land and turn it into money, or (if the property be money) to invest that money in land : in other words, whether there has or has not been an actual "constructive conversion." The intention of the testator may often be gathered from other provisions that he has made : and often the parties interested can settle the matter as they please ; but then duty has to be paid, and it becomes necessary to ascertain whether the property left by a testator is land or is money. If it be land, it pays succession duty, if money, legacy duty ; and, though there is no difference in the amounts of these two duties, yet, inasmuch as probate duty is paid on personality only, in this respect the question is of great importance.

Supposing a testator directs his land to be sold for certain purposes, and those purposes fail, either from the death of persons interested, or other causes, then it is held that the heir of the testator is entitled to that part which has failed of its destination, just as if there had been no direction to sell at all. This is manifestly consistent with justice, and it is the point on which Lord Eldon delivered the celebrated argument which is related to have brought out his reputation and laid the foundation of his success.

A man gave his real estate—*i. e.*, land—in trust to be sold, and the proceeds (after payment of debts and legacies) to be paid to certain persons. One of these died in his lifetime. The next of kin claimed, amongst other property, the share of this deceased person. Lord Eldon's own account of the matter was as follows :—

"A brief was given me to consent for the heir-at-law, upon the hearing of the cause. I had nothing then to do but to pore over this brief. I went through all the cases in the books, and satisfied myself that the lapsed share was to be considered as real estate, and belonged to my client (the heir-at-law). The cause came on at the Rolls, before Sir Thomas Sewell. I told the solicitor who sent me the brief that I should consent for the heir-at-law, so far as regarded the due execution of the will, but that I must support the title of the heir to the one-fifteenth which had lapsed. Accordingly, I did argue it, and went through all the authorities. When Sir Thomas Sewell went out of court he asked the Registrar who that young man was. The Registrar told him it was Mr. Scott. 'He has argued very well,' said Sir Thomas Sewell, 'but I cannot agree with him.' This the Registrar told me. He decreed against my client. The cause having been carried by appeal to the Lord Chancellor Thurlow, a guinea brief was again brought to me to consent. I told my client, if he meant by 'consent' to give up the claim of the heir to the lapsed share, he must take his brief elsewhere, for I would not hold it without arguing that point. He said something about young men being obstinate, but that I must do as I thought right. You see the lucky thing was there being two other parties, and, the disappointed

one not being content, there was an appeal to Lord Thurlow. In the meanwhile they had written to Mr. Johnston, Recorder of York, guardian to the young heir-at-law, and a clever man, but his answer was, 'Do not send good money after bad : let Mr. Scott have a guinea to give consent ; and if he will argue, why, let him do so ; but give him no more.' So I went into court, and when Lord Thurlow asked who was to appear for the heir-at-law, I rose, and said modestly, 'that I was ; and, as I could not but think (with much deference to the Master of the Rolls, how far I might be wrong) that my client had the right to the property, if his lordship would give me leave, I would argue it.' It was rather arduous for me to rise against all the eminent counsel. I do not say that their opinions were against me, but they were employed against me. However, I argued that the testator had ordered this fifteenth share of the property to be converted into personal property, for the benefit of one particular individual ; and that, therefore, he never contemplated its coming into possession of either the next of kin or the residuary legatee ; but, being land, at the death of the individual it came to the heir-at-law. Well, Thurlow took three days to consider, and then delivered his judgment in accordance with my speech, and that speech is in print, and has decided all similar questions ever since. As I left the hall a respectable solicitor of the name of Forster came up and touched me on the shoulder and said, 'Young man, your bread-and-butter is cut for life,' or 'You have cut your bread-and-butter.' But the story of *Akroyd v. Smithson* does not stop there. In the Chancellor's court of Lancaster, where Dunning (Lord Ashburton) was Chancellor, a brief was given to me in a cause in which the interest of my client would oblige me to support by argument the reverse of that which had been decided by the decree in *Akroyd v. Smithson*. When I had stated to the court the point I was going to argue, Dunning said, 'Sit down, young man.' As I did not immediately comply, he repeated, 'Sit down, sir ; I won't hear you.' I then sat down. Dunning said, 'I believe your name is Scott, sir.' I said it was. Upon which Dunning went on : 'Mr. Scott, did you not argue that case of *Akroyd v. Smithson*?' I said that I did argue it. Dunning then said, 'Mr. Scott, I have read your argument in that case of *Akroyd v. Smithson*, and I defy you, or any man in England, to answer it. I won't hear you.'

Under the head of "conditions" there occur a number of rules of great importance to the framers of wills, some of which may perhaps here be referred to with advantage. The two classes into which conditions are divided by lawyers are well known to be conditions "precedent" and conditions "subsequent." In the case of a condition precedent, until the condition is fulfilled the person to whom the gift is made takes nothing ; in the case of a condition subsequent, the person takes the gift, but subject to the risk of losing it if he fails to fulfil the condition. A man directed £500 to be raised and paid to his sister within one month after her marriage, on the condition that she married with the consent of her brother T., if living ; if she married without his consent, the £500 was not to be raised. This was held to be a condition precedent ; and, inasmuch as the lady married in her brother T.'s lifetime without his consent, she took nothing.

In another case a man bequeathed the residue of his personal estate to S., provided she married with the consent of A and B, his executors in trust ; and, if she should marry otherwise, he bequeathed the residue to some one else. This was held to be a gift with a condition subsequent ; so that S. took the proceeds of the revenue until

her marriage; but upon her marrying without the consent required she forfeited the gift.

In the above cases, if the condition had become impossible by the death of the person whose assent was necessary, the result in the two instances would have been directly contrary. In the former case the lady would have taken nothing; in the latter, she would have taken absolutely and irrevocably.

Sometimes a testator makes a gift to his daughter, or niece, on condition of her marrying a person of a particular name. This will not be broken by the lady marrying somebody of a different name, because she may survive her first husband, and still perform the condition.

It should be remembered, also, that an illegal condition stands in the same position as a condition which is impossible to be performed. A condition cannot be attached to property exempting it from the operation of the law of bankruptcy; but an estate may be given to a man until he becomes bankrupt, and, upon his becoming bankrupt, then to somebody else.

The most remarkable instance of an illegal and void condition which has been discussed in modern times arose under the will of John William, the seventh Earl of Bridgewater, who died in the year 1823, about six months after making his will. The earl having no children or descendants, and having a brother and a niece living, and two sons of a niece deceased, directed his trustees, after the death of his widow, and his brother and niece without issue, to convey his estates to his grand-nephew, Lord Alford, for life, with remainder to his male descendants, but subject to the following proviso: that if Lord Alford should die without having acquired the title and dignity of Duke of Bridgewater, then the gift to him and his descendants should cease and be void, and the estates should go to the next person named in the will, just as if Lord Alford had died without issue male. What happened was that Lord Alford came into possession of the estates (the value of which was over £60,000 a year) for his life, and died, in 1851, leaving an infant son, but without having acquired the title of Duke of Bridgewater. Immediately the question arose. The person next interested, who happened to be the second son of the niece above mentioned, the Hon. Charles Henry Cust, who had taken the name of Egerton, at once claimed the property. On behalf of the infant (who afterwards, in 1853, became the Earl of Brownlow) it was urged that the condition was opposed to the general good of the community, and was consequently illegal. Its tendency was to influence improperly the conduct of a peer, and to interfere with the free action of the Queen's ministers in giving disinterested advice to their sovereign as to the distribution of honours. Consequently it was not binding, and the infant must take the estate, just as if the condition had never been made. On the other hand, it was argued that the condition was neither illegal nor injurious. To aspire to dignities was a perfectly just and laudable object of ambition, and a court of justice was not at liberty to assume that a man would be influenced by evil and vicious motives; and, inasmuch as Lord Brownlow had failed to become Duke of Bridgewater, the estate was forfeited, and passed to Mr. Egerton. All the Queen's judges were in favour of the condition, except Chief Baron Pollock and Baron Platt; and so was Lord Cranworth, who was then Lord Chancellor. But the House of Lords, sitting in their judicial capacity, decided in favour of Lord Brownlow, by declaring the condition to be invalid and void; the peers who gave their judgments against it being Lord Lyndhurst, Lord Brougham, Lord Truro, and Lord St. Leonards.

## Varieties.

**LORD STRATFORD DE REDCLIFFE AND THE REDCAR LIFE-BOAT.**—During the past autumn a new life-boat was presented to the National Life-boat Institution, for their station at Redcar in Yorkshire. The old boat, called "The Redcar," was turned out to make way for the new one, and left in the cradle, exposed to the weather. The pilots and fishermen did not take kindly to the change; and, besides the natural feeling of regret at parting from a boat in which they and their fathers had saved hundreds of lives, they did not consider the new boat equally adapted in its build to the Redcar coast. Determined to save the old boat, if possible, they applied to their good friend and neighbour the Earl of Zetland, whose grandfather had purchased it for the station about the beginning of the present century. By the generous interference of Lord Zetland, and others to whom the circumstances became known, the Redcar boatmen were gratified in their wish to retain also the old boat. The following lines, suggested by the memorial to the Earl of Zetland, are from the pen of Lord Stratford de Redcliffe, who was on a visit at Upleatham at the time:—

"The Life-boat—oh! the Life-boat, we all have known so long,  
A refuge for the feeble, the glory of the strong;  
Twice thirty years have vanished since first upon the wave  
She housed the drowning mariner, and snatch'd him from the grave."

"Let others deem her crazy, no longer fit to breast  
The surge that, madly driven, bears down with foaming crest;  
But we, who oft have manned her, when death was on the prow,  
We cannot bear to leave her, nor will we leave her now."

"Our fathers long before us her worth in danger tried;  
Their fathers too have steered her amidst the boiling tide;  
We love her—'tis no wonder—we can but follow them;  
Let Heaven, but never word of man, the dear old boat condemn."

**PORTRAITURE OF A CHRISTIAN GENTLEMAN.**—A memorial window has been placed in Feniton Church, Devonshire, to the memory of the late Sir John Patteson, Kt., ex-Judge, who died in 1861 in his seventy-second year. A brass tablet records the leading incidents of his life, and concludes with the following portraiture of a Christian gentleman: "God gave him great industry, a clear intellect, quick and accurate apprehension, and the soundest judgment; and vouchsafed to add a cheerful temper, an upright mind, an affectionate and faithful heart; above all, an habitual and rooted fear and love of Himself. These were his talents, and these, by God's grace, made him a distinguished scholar in youth, a successful lawyer, a great judge, and a man honoured, beloved, and trusted in an eminent degree by all with whom he lived or had to do. These blessings were tempered with many sorrows; the blessings he looked on as calls for more worthy service, and of the sorrows he made free-will offerings by the grateful resignation with which he accepted them. His faith was supported to the end, and he died, with a good hope, in perfect peace. God give us such a life and such a death, for His dear Son's sake. Amen."

**OTHONA.**—In the decline of the Roman power a series of forts was erected to defend the coast from marauders, and placed under a lord warden, who was termed *comes* of the Saxon shore. The "Notitia," probably composed not earlier than the year 400, enumerates these *castra*, placing first on the list Othona—*praepositus numeri Fortensium*. The eight other stations have long since been identified; but whence came this band of *Fortenses* is unknown; and the site of their station, although indicated by local tradition, has hitherto been undiscovered. There is now, however, no doubt that the fragments of Roman buildings recently disinterred at St. Peter's Head, Essex, are the long-lost Othona. The allusions of mediæval writers to Ithancestre (the Saxon successor of Othona), the local tradition, and the nature of the remains exposed, entirely confirm this belief. The walls exposed are of solid masonry, and consist of regular layers of ashlar alternately with rows of bonding tiles. In the field where the excavations have been made stands the small Norman chapel of St. Peter's, on the wall built of Roman material; and numerous skeletons, probably of mediæval interment, have been found, as well as brass coins of the Constantine family, Samian and Caistor ware, glass beads, and other relics of the earlier inhabitants.

**AMUSEMENTS.**—Discussion sometimes takes place as to the lawfulness of this or that amusement. There are two sure tests. Can you seek God's blessing in it? Would you fear to be overtaken by death when so engaged?